

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SANDRA RIVERA-MANZO,

Defendant.

8:17CR376

ORDER

This matter is before the Court on defendant Sandra Rivera-Manzo's ("Rivera-Manzo") Emergency Motion (Filing No. 81) pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). As relevant here, § 3582(c)(1)(A)(i) authorizes Rivera-Manzo to move the Court to "reduce [her] term of imprisonment" for "extraordinary and compelling reasons" thirty days after asking the warden of the facility where she is incarcerated to file such a motion for her. *See also United States v. Raia*, 954 F.3d 594, 595 (3d Cir. 2020). Rivera-Manzo states she satisfied that requirement by making such a request on August 12, 2020; her request was denied.

In support of her motion, Rivera-Manzo has attached (1) a copy of her request for a sentence reduction based on her claim of debilitating medical conditions, (2) the warden's denial, and (3) some of her prison medical records. Having reviewed those materials, the Court finds Rivera-Manzo has potentially raised a colorable claim for compassionate release under § 3582(c)(1)(A)(i). The Court further finds that appointing counsel to represent Rivera-Manzo will help the Court evaluate her request for immediate release. Accordingly,

IT IS ORDERED:

1. The Federal Public Defender for the District of Nebraska is appointed to represent Rivera-Manzo for the limited purpose of determining whether there

are extraordinary and compelling reasons to reduce her term of imprisonment.

2. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.
3. If upon review appointed counsel should conclude that the motion is frivolous, they may move to withdraw as counsel.
4. The government shall respond to Rivera-Manzo's motion on or before October 2, 2020. Rivera-Manzo's counsel shall promptly file any supplementary briefing or evidence necessary to the Court's disposition of the motion. Absent an extension, the motion shall be deemed submitted as of October 10, 2020.
5. The probation office is directed to investigate Rivera-Manzo's request for sentencing relief and promptly file under seal a report summarizing the results of that investigation.

Dated this 24th day of September 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge